

REMARKS***Claim Rejections Under 35 U.S.C. § 103***

Claims 1, 3-8, and 10 were rejected under 35 U.S.C. § 103(a) as being anticipated by Cloud et al. (U.S. Patent No. 6,297,989) in view of Kao (U.S. Patent No. 6,323,514). Claim 3 was rejected under 35 U.S.C. § 103(a) as being anticipated by Cloud et al. in view of Kao and in further view of Liu et al. (U.S. Patent No. 6,329,277). Claim 9 was rejected under 35 U.S.C. § 103(a) as being anticipated by Cloud et al. in view of Kao and in further view of Chi (U.S. Patent No. 5,981,335). Claim 11-14, 16, and 17 were rejected under 35 U.S.C. § 103(a) as being anticipated by Cloud et al. in view of Kao and Chi. Claim 15 was rejected under 35 U.S.C. § 103(a) as being anticipated by Cloud et al. in view of Chi and Kao.

Applicant respectfully traverses this rejection and feels that claims 1-17 are allowable for the following reasons.

Applicant notes that, at the time the invention was made, the Cloud et al. patent, the Kao patent, and the present application were owned by, or subject to an obligation of assignment to, the same organization.

Because the Cloud et al. and Kao qualify as prior art only under 35 U.S.C. § 102(e) (having both issued less than one year before the priority date of the Parent Application {U.S. Patent Application Serial No. 10/224,915, filed August 21, 2002, titled "HIGH COUPLING FLOATING GATE TRANSISTOR" – the '915 Application} of the present Application), and since Cloud et al., Kao, the '915 Application, and the present Application are all commonly owned at the time of invention, the Applicant respectfully maintains that the Cloud et al. and Kao patents cannot be used in support of a rejection under 35 U.S.C. § 103. *See*, 35 U.S.C. § 103(c).


In view of the above, Applicant contends that the rejection under 35 U.S.C. § 103(a) is not supported by the cited references, either alone or in combination. As such, Applicant respectfully requests reconsideration and withdrawal of the rejection, and allowance of claims 1-17.

CONCLUSION

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2207.

Respectfully submitted,

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